

DECLARATION AND PETITION

As a below named inventor, I hereby declare: that my residence, post office address, and citizenship are as stated below next to my name; that I verily believe I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled MODULATOR-AMPLIFIER, the specification of which is attached hereto, as THORPE NORTH & WESTERN L.L.P. Docket No. 20191.PROV.PCT.US, and given United States Application Serial No. _____; that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above; and that I acknowledge the duty to disclose information which is material to patentability as defined in § 1.56(a) of Title 37 of the Code of Federal Regulations.

I hereby claim the benefit of the earlier filed PCT patent application, serial no. PCT/US03/01054 filed in the US Receiving Office on 21 Jan. 2003, which also claims priority of the provisional application no. 60/350,414 filed in the US on 18 Jan. 2002; and, insofar as the subject matter of each of the claims of this application is not disclosed in the earlier filed pending applications in the manner provided by the first paragraph of Section 112 of Title 35 of the United States code, I acknowledge the duty to disclose material information, as defined in Section 1.56(a) of Title 37 of the Code of Federal Regulations, which occurred between the filing date of the earlier filed application and the filing date of this application.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, and this petition.

Signed at Escondido, CA, this 26 day of Feb., 2003.

INVENTOR:

Michael E. Spencer
MICHAEL E. SPENCER

Residence: (City, State):
Citizenship:
Post Office Address:

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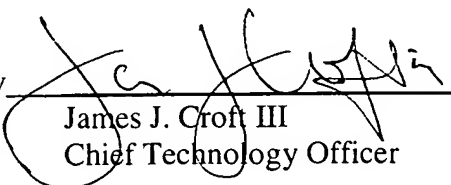
AMERICAN TECHNOLOGY CORPORATION, a corporation organized and existing under the laws of the State of Delaware, having a business address of 13114 Evening Creek Drive South, San Diego, California 92128, owner of all right, title and interest in the invention entitled MODULATOR-AMPLIFIER for which an application for United States Letters patent is being filed concurrently herewith as THORPE NORTH & WESTERN L.L.P. Docket No. 20191.NP, and given U.S. Patent Application Serial No. _____, and empowered to prosecute the U.S. and foreign applications on behalf of the inventors, hereby appoint as its attorneys and/or patent agents the law firm of THORPE NORTH & WESTERN, LLP, having a business address of 8180 South 700 East, Suite 200, Sandy, Utah 84070, and VAUGHN W. NORTH, Registration No. 27,930; M. WAYNE WESTERN, Registration No. 22,788; CLIFTON W. THOMPSON, Registration No. 36,947; GARRON M. HOBSON, Registration No. 41,073; PETER M. DE JONGE, Registration No. 47,521; WEILI CHENG, Registration No. 44,609; DAVID R. MCKINNEY, Registration No. 42,868; STEVE M. PERRY, Registration No. 45,357; GARY P. OAKESON, Registration No. 44,266; DAVID W. OSBORNE, Registration No. 44,989; JASON R. JONES, Registration No. 51,008; ERIK S. ERICKSEN, Registration No. 48,954; DAVID L. STÖTT, Registration No. 43,937; and PAUL C. OESTREICH, Registration No. 44,983; all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence concerning this application should be directed to:

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Dated this 17 day of Jan. 2003 at San Diego, CA.

AMERICAN TECHNOLOGY CORPORATION

By 
James J. Croft III
Chief Technology Officer

PCT

POWER OF ATTORNEY

(for an international application filed under the Patent Cooperation Treaty)

(PCT Rule 90.4)

The undersigned applicant(s) (Names should be indicated as they appear in the request):

AMERICAN TECHNOLOGY CORPORATION

hereby appoints (appoint) the following person as:



agent



common representative

Name and address

(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

NORTH, VAUGHN W.
WESTERN, M. WAYNE
HOBSON, GARRON M.
DE JONGE, PETER M.
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OSBORNE, , DAVID W.
STOTT, DAVID L.
JONES, JASON R.
OESTREICH, PAUL C.
ERICKSEN, ERIK S.

ALL AT THE SAME ADDRESS OF:
THORPE NORTH & WESTERN LLP
P.O. BOX 1219
SANDY, UTAH 84091-1219
US

to represent the undersigned before



all the competent International Authorities



the International Searching Authority only



the International Preliminary Examining Authority only

in connection with the international application identified below:

Title of the invention: MODULATOR-AMPLIFIER

Applicant's or agent's file reference: 20191.NP.PCT

International application number (if already available):

filed with the following Office US as receiving Office
and to make or receive payments on behalf of the undersigned.

Signature of the applicant(s) (where there are several applicants, each of them must sign; next to each signature, indicate the name of the person signing and the capacity in which the person signs, if such capacity is not obvious from reading the request or this power):

AMERICAN TECHNOLOGY CORPORATION

By: 
Its: Chief Technology Officer

Date:

1/17/03